

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 19, 2007. Through this response, claims 1-18, 20-25, and 28 have been amended. Reconsideration and allowance of the application and pending claims 1-30 are respectfully requested.

I. Allowable Subject Matter

Applicants appreciate the Examiner's indication that claims 13-25 are allowed over the art of record, and that claims 4, 6, 10-12, 28, and 30 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

In that it is believed that every rejection has been overcome, it is respectfully submitted that each of the claims that remains in the case is presently in condition for allowance.

II. Claim Rejections - 35 U.S.C. § 102(e)

A. Statement of the Rejection

Claims 1-3, 5, 7-9, 26, 27, and 29 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Kelly et al.* ("*Kelly*," U.S. Pat. No.6,728,740). Applicants respectfully submit that the rejection has been rendered moot of amendment of the claims. Further, Applicants respectfully submit that claims 1-3, 5, 7-9, 26, 27, and 29 are allowable over the art of record.

B. Discussion of the Rejection

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the *Kelly* reference. Applicants discuss the *Kelly* reference and Applicants' claims in the following.

Independent Claim 1

Claim 1 recites (with infuses added):

1. A method for generating a random bit stream comprising:
accumulating a plurality of hardware driven numbers;
extracting a portion of each hardware driven number, ***the portion less than the whole of each hardware driven number***; and
combining each extracted portion to form a random bit stream.

Applicants respectfully submit that the rejection to claim 1 has been rendered moot in view of the above-described amendments. Additionally, Applicants respectfully submit that *Kelly* fails to disclose, teach, or suggest at least the above-emphasized claim features. For instance *Kelly* does not disclose "extracting a portion of each hardware driven number, ***the portion less than a whole of each hardware driven number***."

Page 2, section 2 of the Office Action affirms this deficiency in *Kelly* by equating "a portion" with "an entire portion" in section 2. Accordingly, Applicants respectfully submit that independent claim 1 is allowable over *Kelly*, and respectively request that the rejection to claim 1 be withdrawn.

Because independent claim 1 is allowable over *Kelly*, dependent claims 2-3, and 5 are allowable as a matter of law for at least the reason that the dependent claims 2-3,

and 5 contain all elements of the respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 7

Claim 7 recites (with infuses added):

7. An apparatus for generating a random bit stream comprising:
a number receiver that receives hardware driven numbers;
an extractor that extracts a portion of a hardware driven number,
the portion less than the whole of the hardware driven number, and
a bit stream generator that generates a bit stream according to a plurality of extracted portions of the hardware driven numbers.

Applicants respectfully submit that the amendment to claim 7 has rendered the rejection moot. Further, Applicants respectfully submit that for similar reasons presented above in association with independent claim 1, *Kelly* fails to disclose, teach, or suggest at least the above-emphasized claim features. Accordingly, claim 7 is allowable over *Kelly* and Applicants respectfully request that the rejection be withdrawn.

Because independent claim 7 is allowable over *Kelly*, dependent claims 8-9 are allowable as a matter of law.

Dependent Claims 26, 27, and 29

Applicants respectfully submit that claims 26, 27, and 29 are allowable over *Kelly* for at least the reason that dependent claims 26, 27, and 29 depend from allowable claim 20. Accordingly, Applicants respectfully request that the rejection to claims 26, 27, and 29 be withdrawn.

Due to the shortcomings of the *Kelly* reference described in the foregoing, Applicants respectfully submit that *Kelly* does not anticipate Applicants' claims. Therefore, Applicants respectfully request that the rejection of these claims be withdrawn.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/dr/

David Rodack
Registration No. 47,034

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500